

Message Text

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LIMITED OFFICIAL USE GENEVA 3890

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TAGS: EMIN UNCTAD

SUBJECT: TIN COUNCIL: AD HOC INVESTIGATIVE COMMITTEE

REF: GENEVA 3889

1. FOLLOWING ARE THE TERMS OF REFERENCE OF THE AD HOC INVESTIGATIVE COMMITTEE TO EXAMINE CHARGES AGAINST BUFFER STOCK MANAGER ADNAN AND HIS DEPUTY BUENO. THIS DOCUMENT WAS GIVEN TO USDEL IN CONFIDENCE AND OUR POSSESSION OF IT SHOULD NOT BE REVEALED.

2. BEGIN QUOTE: COMPOSITION. IN ACCORDANCE WITH ITS POWERS UNDER ARTICLE 8 (K) OF THE FOURTH AGREEMENT, THE COUNCIL HEREBY APPOINTS AN AD HOC INVESTIGATIVE COMMITTEE WHICH SHALL CONSIST OF ALL SEVEN PRODUCING COUNTRIES AND AN EQUAL NUMBER OF CONSUMING COUNTRIES

WHICH SHALL BE

3. QUOTE:;TERMS OF REFERENCE.

(I) TO MAKE AN INVESTIGATION INTO MATTERS RELATING TO THE ALLEGATIONS AGAINST MR. R.T. ADNAN AND MR. J. M. BUENO WHICH RESULTED IN THEIR SUSPENSION BY THE LIMITED OFFICIAL USE

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EXECUTIVE CHAIRMAN ON 9 MAY 1975, AND TO:

(A) MAKE A FINDING AS TO WHETHER THE ALLEGATIONS ARE SUBSTANTIATED;
(B) MAKE A FINDING, IF THE ALLEGATIONS ARE SUBSTANTIATED, AS TO WHETHER THE FACTS ALLEGED AMOUNT TO MISCONDUCT OR A BREACH OF EITHER ARTICLE 13 (F) OF THE FIFTH INTERNATIONAL TIN AGREEMENT OR THE TERMS AND CONDITIONS OF APPOINTMENT, WHICH STATE, INTER ALIA, THAT THEY MAY NOT ACQUIRE NOR HOLD ANY FINANCIAL INTEREST IN THE TIN INDUSTRY, OR IN THE TIN TRADE; AND
(C) MAKE RECOMMENDATIONS TO THE COUNCIL, ON THE BASIS OF ITS FINDINGS; ON THE NATURE OF THE MEASURES TO BE TAKEN IN REGARD TO THEIR SUSPENSION, CONTINUED EMPLOYMENT AND OTHER RELATED MATTERS.

4. QUOTE: (II) TO ESTABLISH ITS OWN RULES OF PROCEDURE FOR THE CONDUCT OF ITS PROCEEDINGS, WHICH SHALL BE IN CLOSED SESSIONS, BEARING IN MIND THAT MR. ADNAN AND MR. BUENO SHALL BE AFFORDED EVERY OPPORTUNITY TO BE HEARD, AND THAT THE PROCEEDINGS SHALL BE FAIR AND JUST TO ALL PARTIES;
(III) TO REACH, AS FAR AS POSSIBLE, UNANIMOUS CONCLUSIONS AND, FAILING THAT, TO GIVE A MAJORITY OPINION ON THE MATTER, AND TO REPORT A DISSENTING OPINION, IF ANY.

5. QUOTE (IV) TO REACH CONCLUSIONS AND TO REPORT TO THE COUNCIL AS EXPEDITIOUSLY AS POSSIBLE BEARING IN MIND THAT:
(A) REASONABLE TIME SHOULD BE GIVEN MR. ADNAN AND MR. BUENO TO CONSIDER THE ALLEGATIONS AND MAKE PREPARATION TO ANSWER THE ALLEGATIONS AND CALL THEIR WITNESSES, IF ANY; AND
(B) THE INTERESTS OF THE COUNCIL AND, IN PARTICULAR, BUFFER STOCK OPERATIONS, SHOULD NOT BE JEOPARDISED BY UNDUE DELAY IN THE PROCEEDINGS OF THE COMMITTEE.
(V) TO MAKE AVAILABLE A FULL AND VERBATIM TRANSCRIPT OF ALL THE PROCEEDINGS OF THE COMMITTEE TO THE COUNCIL.
END QUOTE. DALE

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